

# HOUSE BILL 381

P4, P5, B1  
HB 655/10 – APP

CONSTITUTIONAL AMENDMENT

11r1201

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By: **Delegates Impallaria, Dwyer, Frank, McComas, and Wood**

Introduced and read first time: February 3, 2011

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Furloughs and Temporary Salary Reductions**

3 FOR the purpose of proposing an amendment to the Maryland Constitution that  
4 authorizes the General Assembly, for any fiscal year, to supersede a formal  
5 resolution of the General Assembly Compensation Commission or a joint  
6 resolution passed by the General Assembly that supersedes an item in a formal  
7 resolution of the Commission, and reduces the compensation and allowances for  
8 a member of the General Assembly; prohibiting a joint resolution passed by the  
9 General Assembly that supersedes a resolution of the Commission or a joint  
10 resolution passed by the General Assembly that supersedes an item in a formal  
11 resolution of the Commission from increasing an item or provision that  
12 establishes certain compensation and allowances; authorizing the General  
13 Assembly to alter the salaries of members of the General Assembly at certain  
14 times; requiring the Governor to convene the General Assembly in  
15 extraordinary session under certain circumstances; requiring the General  
16 Assembly to reduce certain appropriations by a certain amount in a certain  
17 manner during certain extraordinary sessions; requiring the General Assembly  
18 to reduce the compensation of the members of the General Assembly under  
19 certain circumstances during certain extraordinary sessions; providing that the  
20 compensation for a member of the General Assembly reverts to a certain status  
21 at the end of a certain period; and submitting this amendment to the qualified  
22 voters of the State for their adoption or rejection.

23 BY proposing an amendment to the Maryland Constitution  
24 Article III – Legislative Department  
25 Section 15, 35, and 52

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
28 concurring), That it be proposed that the Maryland Constitution read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article III – Legislative Department**

2 15.

3 [(1)] (A) The General Assembly may continue its session so long as in its  
4 judgment the public interest may require, for a period not longer than ninety days in  
5 each year. The ninety days shall be consecutive unless otherwise provided by law. The  
6 General Assembly may extend its session beyond ninety days, but not exceeding an  
7 additional thirty days, by resolution concurred in by a three-fifths vote of the  
8 membership in each House. When the General Assembly is convened by Proclamation  
9 of the Governor, the session shall not continue longer than thirty days, but no  
10 additional compensation other than mileage and other allowances provided by law  
11 shall be paid members of the General Assembly for special session.

12 [(2)] (B) (1) Any compensation and allowances paid to members of the  
13 General Assembly shall be as established by a commission known as the General  
14 Assembly Compensation Commission **OR, SUBJECT TO PARAGRAPH (4) OF THIS**  
15 **SUBSECTION, AS SUPERSEDED BY ANOTHER JOINT RESOLUTION PASSED BY THE**  
16 **GENERAL ASSEMBLY.**

17 (2) The Commission shall consist of nine members, five of whom shall  
18 be appointed by the Governor, two of whom shall be appointed by the President of the  
19 Senate, and two of whom shall be appointed by the Speaker of the House of Delegates.  
20 Members of the General Assembly and officers and employees of the Government of  
21 the State of Maryland or of any county, city, or other governmental unit of the State  
22 shall not be eligible for appointment to the Commission. Members of the Commission  
23 shall be appointed for terms of four years commencing on June 1 of each gubernatorial  
24 election year. Members of the Commission are eligible for re-appointment. Any  
25 member of the Commission may be removed by the Governor prior to the expiration of  
26 his term for official misconduct, incompetence, or neglect of duty. The members shall  
27 serve without compensation but shall be reimbursed for expenses incurred in carrying  
28 out their responsibilities under this section. Decisions of the Commission must be  
29 concurred in by at least five members.

30 (3) Within 15 days after the beginning of the regular session of the  
31 General Assembly in 1974 and within 15 days after the beginning of the regular  
32 session in each fourth year thereafter, the Commission by formal resolution shall  
33 submit its determinations for compensation and allowances to the General Assembly.  
34 The General Assembly may reduce or reject, but shall not increase any item in the  
35 resolution. The resolution, with any reductions that shall have been concurred in by  
36 joint resolution of the General Assembly, shall take effect and have the force of law as  
37 of the beginning of the term of office of the next General Assembly. Rates of  
38 compensation and pensions shall be uniform for all members of the General Assembly,  
39 except that the officers of the Senate and the House of Delegates may receive higher  
40 compensation as determined by the General Assembly Compensation Commission.  
41 The provisions of the Compensation Commission resolution shall continue in force

1 until superseded by any succeeding resolution OF THE COMMISSION OR OTHER  
2 JOINT RESOLUTION OF THE GENERAL ASSEMBLY.

3 (4) SUBJECT TO PARAGRAPHS (5) AND (6) OF THIS SUBSECTION,  
4 FOR ANY FISCAL YEAR THE GENERAL ASSEMBLY MAY SUPERSEDE BY  
5 ENACTMENT OF A JOINT RESOLUTION:

6 (I) AN ITEM IN A FORMAL RESOLUTION OF THE  
7 COMMISSION; OR

8 (II) A PROVISION OF A JOINT RESOLUTION THAT  
9 SUPERSEDES AN ITEM IN A FORMAL RESOLUTION OF THE COMMISSION.

10 (5) (I) A JOINT RESOLUTION ADOPTED UNDER PARAGRAPH (4)  
11 OF THIS SUBSECTION MAY REDUCE, BUT NOT INCREASE, AN ITEM IN THE  
12 RESOLUTION OF THE COMMISSION OR A PROVISION IN A JOINT RESOLUTION  
13 SUPERSEDING AN ITEM IN A FORMAL RESOLUTION OF THE COMMISSION.

14 (II) IF, FOR ANY FISCAL YEAR, THE GENERAL ASSEMBLY  
15 REDUCES AN ITEM IN THE RESOLUTION OF THE COMMISSION OR A PROVISION  
16 IN A JOINT RESOLUTION SUPERSEDING AN ITEM IN A FORMAL RESOLUTION OF  
17 THE COMMISSION, THE ITEM OR THE PROVISION, AS APPROPRIATE, SHALL  
18 REVERT TO ITS ORIGINAL STATUS AT THE COMMENCEMENT OF THE NEXT  
19 SUCCEEDING FISCAL YEAR.

20 [(4)] (6) In no event shall the compensation and allowances be less  
21 than they were prior to the establishment of the Compensation Commission.

22 35.

23 Extra compensation may not be granted or allowed by the General Assembly to  
24 any public Officer, Agent, Servant or Contractor, after the service has been rendered,  
25 or the contract entered into; nor may the salary or compensation of any public officer  
26 be increased or diminished during his term of office except those whose full term of  
27 office is fixed by law in excess of 4 years AND MEMBERS OF THE GENERAL  
28 ASSEMBLY UNDER SECTION 15 OF THIS ARTICLE. However, after January 1, 1956,  
29 for services rendered after that date, the salary or compensation of any appointed  
30 public officer of the Mayor and City Council of Baltimore may be increased or  
31 diminished at any time during his term of office; except that as to officers in the  
32 Classified City Service, when the salary of any appointed public officer of the Mayor  
33 and City Council of Baltimore however, increased or decreased, it may not again be  
34 increased or decreased, as the case may be, during the term of such public officer.

35 52.

1           (1) The General Assembly shall not appropriate any money out of the  
2 Treasury except in accordance with the provisions of this section.

3           (2) Every appropriation bill shall be either a Budget Bill, or a Supplementary  
4 Appropriation Bill, as hereinafter provided.

5           (3) On the third Wednesday in January in each year, (except in the case of a  
6 newly elected Governor, and then not later than ten days after the convening of the  
7 General Assembly), unless such time shall be extended by the General Assembly, the  
8 Governor shall submit to the General Assembly a Budget for the next ensuing fiscal  
9 year. Each Budget shall contain a complete plan of proposed expenditures and  
10 estimated revenues for said fiscal year and shall show the estimated surplus or deficit  
11 of revenues at the end of the preceding fiscal year. Accompanying each Budget shall be  
12 a statement showing: (a) the revenues and expenditures for the preceding fiscal year;  
13 (b) the current assets, liabilities, reserves and surplus or deficit of the State; (c) the  
14 debts and funds of the State; (d) an estimate of the State's financial condition as of the  
15 beginning and end of the preceding fiscal year; (e) any explanation the Governor may  
16 desire to make as to the important features of the Budget and any suggestions as to  
17 methods for reduction or increase of the State's revenue.

18           (4) Each Budget shall embrace an estimate of all appropriations in such form  
19 and detail as the Governor shall determine or as may be prescribed by law, as follows:  
20 (a) for the General Assembly as certified to the Governor in the manner hereinafter  
21 provided; (b) for the Executive Department; (c) for the Judiciary Department, as  
22 provided by law, as certified to the Governor; (d) to pay and discharge the principal  
23 and interest of the debt of the State in conformity with Section 34 of Article III of the  
24 Constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by  
25 the State and under the Constitution and laws of the State; (f) for the establishment  
26 and maintenance throughout the State of a thorough and efficient system of public  
27 schools in conformity with Article 8 of the Constitution and with the laws of the State;  
28 and (g) for such other purposes as are set forth in the Constitution or laws of the State.

29           (5) The Governor shall deliver to the presiding officer of each House the  
30 Budget and a bill for all the proposed appropriations of the Budget classified and in  
31 such form and detail as he shall determine or as may be prescribed by law; and the  
32 presiding officer of each House shall promptly cause said bill to be introduced therein,  
33 and such bill shall be known as the "Budget Bill." The Governor may, with the consent  
34 of the General Assembly, before final action thereon by the General Assembly, amend  
35 or supplement said Budget to correct an oversight, provide funds contingent on  
36 passage of pending legislation or, in case of an emergency, by delivering such an  
37 amendment or supplement to the presiding officers of both Houses; and such  
38 amendment or supplement shall thereby become a part of said Budget Bill as an  
39 addition to the items of said bill or as a modification of or a substitute for any item of  
40 said bill such amendment or supplement may affect.

41           (5a) The Budget and the Budget Bill as submitted by the Governor to the  
42 General Assembly shall have a figure for the total of all proposed appropriations and a  
43 figure for the total of all estimated revenues available to pay the appropriations, and

1 the figure for total proposed appropriations shall not exceed the figure for total  
2 estimated revenues. Neither the Governor in submitting an amendment or  
3 supplement to the Budget Bill nor the General Assembly in amending the Budget Bill  
4 shall thereby cause the figure for total proposed appropriations to exceed the figure for  
5 total estimated revenues, including any revisions, and in the Budget Bill as enacted  
6 the figure for total estimated revenues always shall be equal to or exceed the figure for  
7 total appropriations.

8 (6) The General Assembly shall not amend the Budget Bill so as to affect  
9 either the obligations of the State under Section 34 of Article III of the Constitution, or  
10 the provisions made by the laws of the State for the establishment and maintenance of  
11 a system of public schools or the payment of any salaries required to be paid by the  
12 State of Maryland by the Constitution thereof; and the General Assembly may amend  
13 the bill by increasing or diminishing the items therein relating to the General  
14 Assembly, and by increasing or diminishing the items therein relating to the judiciary,  
15 but except as hereinbefore specified, may not alter the said bill except to strike out or  
16 reduce items therein, provided, however, that the salary or compensation of any public  
17 officer shall not be decreased during his term of office; and such bill, when and as  
18 passed by both Houses, shall be a law immediately without further action by the  
19 Governor.

20 (7) The Governor and such representatives of the executive departments,  
21 boards, officers and commissions of the State expending or applying for State's  
22 moneys, as have been designated by the Governor for this purpose, shall have the  
23 right, and when requested by either House of the General Assembly, it shall be their  
24 duty to appear and be heard with respect to any Budget Bill during the consideration  
25 thereof, and to answer inquiries relative thereto.

26 (8) Supplementary Appropriation Bill. Either House may consider other  
27 appropriations but both Houses shall not finally act upon such appropriations until  
28 after the Budget Bill has been finally acted upon by both Houses, and no such other  
29 appropriation shall be valid except in accordance with the provisions following: (a)  
30 Every such appropriation shall be embodied in a separate bill limited to some single  
31 work, object or purpose therein stated and called herein a Supplementary  
32 Appropriation Bill; (b) Each Supplementary Appropriation Bill shall provide the  
33 revenue necessary to pay the appropriation thereby made by a tax, direct or indirect,  
34 to be levied and collected as shall be directed in said bill; (c) No Supplementary  
35 Appropriation Bill shall become a law unless it be passed in each House by a vote of a  
36 majority of the whole number of the members elected, and the yeas and nays recorded  
37 on its final passage; (d) Each Supplementary Appropriation Bill shall be presented to  
38 the Governor of the State as provided in Section 17 of Article 2 of the Constitution and  
39 thereafter all the provisions of said section shall apply.

40 (9) Nothing in this section shall be construed as preventing the General  
41 Assembly from passing at any time, in accordance with the provisions of Section 28 of  
42 Article 3 of the Constitution and subject to the Governor's power of approval as  
43 provided in Section 17 of Article 2 of the Constitution, an appropriation bill to provide

1 for the payment of any obligation of the State within the protection of Section 10 of  
2 Article 1 of the Constitution of the United States.

3 (10) If the Budget Bill shall not have been finally acted upon by the  
4 Legislature seven days before the expiration of the regular session, the Governor shall  
5 issue a proclamation extending the session for some further period as may, in his  
6 judgment, be necessary for the passage of such bill; but no matter other than such bill  
7 shall be considered during such extended session except a provision for the cost  
8 thereof.

9 (11) For the purpose of making up the Budget, the Governor shall require  
10 from the proper State officials (including all executive departments, all executive and  
11 administrative offices, bureaus, boards, commissions and agencies that expend or  
12 supervise the expenditure of, and all institutions applying, for State moneys and  
13 appropriations) such itemized estimates and other information, in such form and at  
14 such times as directed by the Governor. An estimate for a program required to be  
15 funded by a law which will be in effect during the fiscal year covered by the Budget  
16 and which was enacted before July 1 of the fiscal year prior to that date shall provide a  
17 level of funding not less than that prescribed in the law. The estimates for the  
18 Legislative Department, certified by the presiding officer of each House, of the  
19 Judiciary, as provided by law, certified by the Chief Judge of the Court of Appeals, and  
20 for the public schools, as provided by law, shall be transmitted to the Governor, in  
21 such form and at such times as directed by the Governor, and shall be included in the  
22 Budget without revision.

23 (12) The Governor may provide for public hearings on all estimates and may  
24 require the attendance at such hearings of representatives of all agencies, and for all  
25 institutions applying for State moneys. After such public hearings he may, in his  
26 discretion, revise all estimates except those for the legislative and judiciary  
27 departments, and for the public schools, as provided by law, and except that he may  
28 not reduce an estimate for a program below a level of funding prescribed by a law  
29 which will be in effect during the fiscal year covered by the Budget, and which was  
30 enacted before July 1 of the fiscal year prior thereto.

31 (13) The General Assembly may, from time to time, enact such laws not  
32 inconsistent with this section, as may be necessary and proper to carry out its  
33 provisions.

34 (14) In the event of any inconsistency between any of the provisions of this  
35 Section and any of the other provisions of the Constitution, the provisions of this  
36 Section shall prevail. But nothing herein shall in any manner affect the provisions of  
37 Section 34 of Article 3 of the Constitution or of any laws heretofore or hereafter passed  
38 in pursuance thereof, or be construed as preventing the Governor from calling  
39 extraordinary sessions of the General Assembly, as provided by Section 16 of Article 2,  
40 or as preventing the General Assembly at such extraordinary sessions from  
41 considering any emergency appropriation or appropriations.

1 (15) If any item of any appropriation bill passed under the provisions of this  
2 Section shall be held invalid upon any ground, such invalidity shall not affect the  
3 legality of the bill or of any other item of such bill or bills.

4 (16) (I) THIS SUBSECTION APPLIES ONLY IN ANY FISCAL YEAR IN  
5 WHICH:

6 1. THE BUDGET FOR THAT FISCAL YEAR IS GREATER THAN  
7 THE BUDGET FOR THE IMMEDIATELY PREVIOUS FISCAL YEAR; AND

8 2. THERE IS A PROJECTED DEFICIT FOR THE REMAINDER  
9 OF THAT FISCAL YEAR.

10 (II) IN A FISCAL YEAR DESCRIBED UNDER PARAGRAPH (I) OF THIS  
11 SUBSECTION AND WHEN THE GOVERNOR REDUCES APPROPRIATIONS IN THE  
12 CURRENT FISCAL YEAR IN ACCORDANCE WITH § 7-213 OF THE STATE FINANCE  
13 AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND BY  
14 INSTITUTING A FURLOUGH OR TEMPORARY SALARY REDUCTION PLAN FOR  
15 EXECUTIVE BRANCH EMPLOYEES OF THE STATE, THE GOVERNOR SHALL  
16 CONVENE THE LEGISLATURE IN EXTRAORDINARY SESSION IN ACCORDANCE  
17 WITH SECTION 16 OF ARTICLE II OF THIS CONSTITUTION.

18 (III) 1. DURING THE EXTRAORDINARY SESSION CONVENED  
19 UNDER PARAGRAPH (II) OF THIS SUBSECTION, THE GENERAL ASSEMBLY SHALL  
20 REDUCE APPROPRIATIONS MADE BY THE BUDGET BILL FOR THE CURRENT  
21 FISCAL YEAR BY AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE TOTAL  
22 AMOUNT OF THE BUDGET FOR THE CURRENT YEAR AND THE TOTAL AMOUNT OF  
23 THE BUDGET FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.

24 2. SUBJECT TO SECTION 15(B)(4) OF THIS ARTICLE, THE  
25 GENERAL ASSEMBLY SHALL REDUCE THE COMPENSATION OF THE GENERAL  
26 ASSEMBLY BY AN AMOUNT EQUAL TO ANY FURLOUGH OR TEMPORARY SALARY  
27 REDUCTION FOR EXECUTIVE BRANCH EMPLOYEES OF THE STATE INSTITUTED  
28 BY THE GOVERNOR.

29 3. THE REDUCTIONS UNDER SUBPARAGRAPH 1 OF THIS  
30 PARAGRAPH SHALL BE MADE THROUGH A BILL INTRODUCED IN EACH HOUSE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
32 determines that the amendment to the Maryland Constitution proposed by this Act  
33 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the  
34 Maryland Constitution concerning local approval of constitutional amendments do not  
35 apply.

1           SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
2 proposed as an amendment to the Maryland Constitution shall be submitted to the  
3 qualified voters of the State at the next general election to be held in November, 2012  
4 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.  
5 At that general election, the vote on this proposed amendment to the Constitution  
6 shall be by ballot, and upon each ballot there shall be printed the words "For the  
7 Constitutional Amendment" and "Against the Constitutional Amendment," as now  
8 provided by law. Immediately after the election, all returns shall be made to the  
9 Governor of the vote for and against the proposed amendment, as directed by Article  
10 XIV of the Maryland Constitution, and further proceedings had in accordance with  
11 Article XIV.